

By Senator Ingoglia

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1 A bill to be entitled
2 An act relating to land use and development
3 regulations; amending s. 163.3164, F.S.; revising
4 definitions; amending s. 163.3177, F.S.; revising the
5 types of data that comprehensive plans and plan
6 amendments must be based on; revising provisions
7 related to coordination of local comprehensive plan
8 elements; prohibiting optional elements of the
9 comprehensive plan from containing certain policies;
10 revising the planning periods that must be included in
11 a comprehensive plan; revising the elements that must
12 be included in a comprehensive plan; amending s.
13 163.3191, F.S.; requiring local governments to
14 determine if plan amendments are necessary to reflect
15 a certain minimum planning period; specifying
16 requirements for a certain notification; requiring,
17 rather than encouraging, a local government to
18 comprehensively evaluate and update its comprehensive
19 plan to reflect changes in local conditions;
20 specifying the requirements for updating the required
21 and optional elements of the comprehensive plan;
22 prohibiting a local government from initiating or
23 adopting publicly initiated plan amendments to its
24 comprehensive plan when it fails to meet certain
25 requirements; providing applicability; providing that
26 a failure of a local government to update its
27 comprehensive plan must not be the basis for a certain
28 denial of plan amendments; requiring the state land
29 planning agency to provide population projections when

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30 a local government fails to update its comprehensive
31 plan; requiring the local government to update its
32 comprehensive plan within a certain timeframe after
33 receiving the population projections; authorizing the
34 local government to provide certain alternative
35 population projections under certain circumstances;
36 amending s. 163.3202, F.S.; revising requirements for
37 local land development regulations; prohibiting
38 certain levels of service from being the basis for the
39 denial of a development order or permit; revising
40 exceptions to applicability of land development
41 regulations relating to single-family or two-family
42 dwelling building design elements; deleting the
43 definition of "planned unit development" or "master
44 planned community"; amending s. 163.3246, F.S.;
45 revising criteria to evaluate the effectiveness of a
46 certain certification process; amending s. 189.08,
47 F.S.; conforming a cross-reference; amending s.
48 479.01, F.S.; conforming a provision to changes made
49 by the act; providing an effective date.

50
51 Be It Enacted by the Legislature of the State of Florida:

52
53 Section 1. Subsections (12), (22), (51), and (52) of
54 section 163.3164, Florida Statutes, are amended to read:

55 163.3164 Community Planning Act; definitions.—As used in
56 this act:

57 (12) "Density" means an objective measurement of the number
58 of ~~people or~~ residential units allowed per unit of land, such as

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59 dwelling units ~~residents or employees~~ per acre.

60 (22) "Intensity" means an objective measurement of the
61 extent to which land may be developed or used expressed in
62 square feet per unit of land, such as a maximum floor ratio per
63 acre, including the consumption or use of the space above, on,
64 or below ground; the measurement of the use of or demand on
65 natural resources; and the measurement of the use of or demand
66 on facilities and services.

67 (51) "Urban service area" means areas ~~identified in the~~
68 ~~comprehensive plan~~ where public facilities and services,
69 including, but not limited to, central water and sewer capacity
70 and roads, are already in place or may be expanded through
71 investment by the local government or the private sector; and
72 all lands located in any county or municipality designated as a
73 dense urban land area as described in s. 380.0651(3)(a) are
74 ~~identified in the capital improvements element. The term~~
75 ~~includes any areas identified in the comprehensive plan as urban~~
76 ~~service areas, regardless of local government limitation.~~

77 (52) "Urban sprawl" means an unplanned and uncontrolled a
78 development pattern characterized by low density, automobile-
79 dependent development with either a single use or multiple uses
80 that are not functionally related, requiring the extension of
81 public facilities and services in an inefficient manner, and
82 failing to provide a clear separation between urban and rural
83 uses.

84 Section 2. Paragraph (f) of subsection (1), subsection (2),
85 paragraph (a) of subsection (5), and paragraph (a) of subsection
86 (6) of section 163.3177, Florida Statutes, are amended to read:
87 163.3177 Required and optional elements of comprehensive

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88 plan; studies and surveys.—

89 (1) The comprehensive plan shall provide the principles,
90 guidelines, standards, and strategies for the orderly and
91 balanced future economic, social, physical, environmental, and
92 fiscal development of the area that reflects community
93 commitments to implement the plan and its elements. These
94 principles and strategies shall guide future decisions in a
95 consistent manner and shall contain programs and activities to
96 ensure comprehensive plans are implemented. The sections of the
97 comprehensive plan containing the principles and strategies,
98 generally provided as goals, objectives, and policies, shall
99 describe how the local government's programs, activities, and
100 land development regulations will be initiated, modified, or
101 continued to implement the comprehensive plan in a consistent
102 manner. It is not the intent of this part to require the
103 inclusion of implementing regulations in the comprehensive plan
104 but rather to require identification of those programs,
105 activities, and land development regulations that will be part
106 of the strategy for implementing the comprehensive plan and the
107 principles that describe how the programs, activities, and land
108 development regulations will be carried out. The plan shall
109 establish meaningful and predictable standards for the use and
110 development of land and provide meaningful guidelines for the
111 content of more detailed land development and use regulations.

112 (f) All required ~~mandatory~~ and optional elements of the
113 comprehensive plan and plan amendments must ~~shall~~ be based upon
114 relevant ~~and appropriate~~ data and an analysis by the local
115 government that may include, but not be limited to, surveys,
116 studies, ~~community goals and vision~~, and other data available at

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117 the time of adoption of the comprehensive plan or plan
118 amendment. To be based on data means to react to it ~~in an~~
119 ~~appropriate way and~~ to the extent necessary indicated by the
120 data available on that particular subject at the time of
121 adoption of the plan or plan amendment at issue.

122 1. Surveys, studies, and data utilized in the preparation
123 of the comprehensive plan may not be deemed a part of the
124 comprehensive plan unless adopted as a part of it. Copies of
125 such studies, surveys, data, and supporting documents for
126 proposed plans and plan amendments must ~~shall~~ be made available
127 for public inspection, and copies of such plans must ~~shall~~ be
128 made available to the public upon payment of reasonable charges
129 for reproduction. Support data or summaries shall be ~~are not~~
130 subject to the compliance review process, ~~but the comprehensive~~
131 ~~plan must be clearly based on appropriate data.~~ Support data or
132 summaries may be used to aid in the determination of compliance
133 and consistency.

134 2. Data must be taken from professionally accepted sources.
135 The application of a methodology utilized in data collection or
136 whether a particular methodology is professionally accepted may
137 be evaluated. ~~However, the evaluation may not include whether~~
138 ~~one accepted methodology is better than another. Original data~~
139 ~~collection by local governments is not required. However, local~~
140 ~~governments may use original data so long as methodologies are~~
141 ~~professionally accepted.~~

142 3. The comprehensive plan must ~~shall~~ be based upon
143 permanent and seasonal population estimates and projections,
144 which must ~~shall~~ either be ~~those~~ published by the Office of
145 Economic and Demographic Research or generated by the local

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146 government based upon a professionally acceptable methodology,
147 whichever is greater. The plan must be based on at least the
148 minimum amount of land required to accommodate the medium
149 projections as published by the Office of Economic and
150 Demographic Research for at least a 10-year planning period
151 unless otherwise limited under s. 380.05, including related
152 rules of the Administration Commission. Absent physical
153 limitations on population growth, population projections for
154 each municipality, and the unincorporated area within a county
155 must, at a minimum, be reflective of each area's proportional
156 share of the total county population and the total county
157 population growth.

158 (2) Coordination of the required and optional ~~several~~
159 elements of the local comprehensive plan must ~~shall~~ be a major
160 objective of the planning process. The required and optional
161 ~~several~~ elements of the comprehensive plan must ~~shall~~ be
162 consistent. Optional elements of the comprehensive plan may not
163 contain policies that restrict the density or intensity
164 established in the future land use element. Where data is
165 relevant to required and optional ~~several~~ elements, consistent
166 data must ~~shall~~ be used, including population estimates and
167 projections ~~unless alternative data can be justified for a plan~~
168 ~~amendment through new supporting data and analysis~~. Each map
169 depicting future conditions must reflect the principles,
170 guidelines, and standards within all elements, and each such map
171 must be contained within the comprehensive plan.

172 (5) (a) Each local government comprehensive plan must
173 include at least two planning periods, one covering at least the
174 first 10-year ~~5-year~~ period occurring after the plan's adoption

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175 and one covering at least a 20-year ~~10-year~~ period. Additional
176 planning periods for specific components, elements, land use
177 amendments, or projects shall be permissible and accepted as
178 part of the planning process.

179 (6) In addition to the requirements of subsections (1)-(5),
180 the comprehensive plan shall include the following elements:

181 (a) A future land use plan element designating proposed
182 future general distribution, location, and extent of the uses of
183 land for residential uses, commercial uses, industry,
184 agriculture, recreation, conservation, education, public
185 facilities, and other categories of the public and private uses
186 of land. The approximate acreage and the general range of
187 density or intensity of use must ~~shall~~ be provided for the gross
188 land area included in each existing land use category. The
189 element must ~~shall~~ establish the long-term end toward which land
190 use programs and activities are ultimately directed.

191 1. Each future land use category must be defined in terms
192 of uses included, and must include standards to be followed in
193 the control and distribution of population densities and
194 building and structure intensities. The proposed distribution,
195 location, and extent of the various categories of land use must
196 ~~shall~~ be shown on a land use map or map series which is ~~shall be~~
197 supplemented by goals, policies, and measurable objectives.

198 2. The future land use plan and plan amendments must ~~shall~~
199 be based upon surveys, studies, and data regarding the area, as
200 applicable, including:

201 a. The amount of land required to accommodate anticipated
202 growth.

203 b. The projected permanent and seasonal population of the

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204 area.

205 c. The character of undeveloped land.

206 d. The availability of water supplies, public facilities,
207 and services.

208 e. The need for redevelopment, including the renewal of
209 blighted areas and the elimination of nonconforming uses which
210 are inconsistent with the character of the community.

211 f. The compatibility of uses on lands adjacent to or
212 closely proximate to military installations.

213 g. The compatibility of uses on lands adjacent to an
214 airport as defined in s. 330.35 and consistent with s. 333.02.

215 h. The discouragement of urban sprawl.

216 i. The need for job creation, capital investment, and
217 economic development that will strengthen and diversify the
218 community's economy.

219 j. The need to modify land uses and development patterns
220 within antiquated subdivisions.

221 3. The future land use plan element must ~~shall~~ include
222 criteria to be used to:

223 a. Achieve the compatibility of lands adjacent or closely
224 proximate to military installations, considering factors
225 identified in s. 163.3175(5).

226 b. Achieve the compatibility of lands adjacent to an
227 airport as defined in s. 330.35 and consistent with s. 333.02.

228 c. Encourage preservation of recreational and commercial
229 working waterfronts for water-dependent uses in coastal
230 communities.

231 d. Encourage the location of schools proximate to urban
232 service residential areas, to the extent possible, and encourage

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233 the location of schools in all areas if necessary to provide
234 adequate school capacity to serve residential development.

235 e. Coordinate future land uses with the topography and soil
236 conditions, and the availability of facilities and services.

237 f. Ensure the protection of natural and historic resources.

238 g. Provide for the compatibility of adjacent land uses.

239 h. Provide guidelines for the implementation of mixed-use
240 development including the types of uses allowed, the percentage
241 distribution among the mix of uses, or other standards, and the
242 density and intensity of each use.

243 4. The amount of land designated for future planned uses
244 must ~~shall~~ provide a balance of uses that foster vibrant, viable
245 communities and economic development opportunities and address
246 outdated development patterns, such as antiquated subdivisions.
247 The amount of land designated for future land uses should allow
248 the operation of real estate markets to provide adequate choices
249 for permanent and seasonal residents and business and may not be
250 limited solely by the projected population. The element must
251 ~~shall~~ accommodate at least the minimum amount of land required
252 to accommodate the medium projections as published by the Office
253 of Economic and Demographic Research for at least a 10-year
254 planning period unless otherwise limited under s. 380.05,
255 including related rules of the Administration Commission.

256 5. The future land use plan of a county may designate areas
257 for possible future municipal incorporation.

258 6. The land use maps or map series must ~~shall~~ generally
259 identify and depict historic district boundaries and must ~~shall~~
260 designate historically significant properties meriting
261 protection.

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262 7. The future land use element must clearly identify the
263 land use categories in which public schools are an allowable
264 use. When delineating the land use categories in which public
265 schools are an allowable use, a local government shall include
266 in the categories sufficient land proximate to residential
267 development to meet the projected needs for schools in
268 coordination with public school boards and may establish
269 differing criteria for schools of different type or size. Each
270 local government shall include lands contiguous to existing
271 school sites, to the maximum extent possible, within the land
272 use categories in which public schools are an allowable use.

273 8. Future land use map amendments must ~~shall~~ be based upon
274 the following analyses:

275 a. An analysis of the availability of facilities and
276 services.

277 b. An analysis of the suitability of the plan amendment for
278 its proposed use considering the character of the undeveloped
279 land, soils, topography, natural resources, and historic
280 resources on site.

281 c. An analysis of the minimum amount of land needed to
282 achieve the goals and requirements of this section.

283 9. The future land use element must ~~and any amendment to~~
284 ~~the future land use element shall~~ discourage the proliferation
285 of urban sprawl by planning for future development as provided
286 in this section.

287 ~~a. The primary indicators that a plan or plan amendment~~
288 ~~does not discourage the proliferation of urban sprawl are listed~~
289 ~~below. The evaluation of the presence of these indicators shall~~
290 ~~consist of an analysis of the plan or plan amendment within the~~

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291 ~~context of features and characteristics unique to each locality~~
292 ~~in order to determine whether the plan or plan amendment:~~

293 ~~(I) Promotes, allows, or designates for development~~
294 ~~substantial areas of the jurisdiction to develop as low-~~
295 ~~intensity, low density, or single use development or uses.~~

296 ~~(II) Promotes, allows, or designates significant amounts of~~
297 ~~urban development to occur in rural areas at substantial~~
298 ~~distances from existing urban areas while not using undeveloped~~
299 ~~lands that are available and suitable for development.~~

300 ~~(III) Promotes, allows, or designates urban development in~~
301 ~~radial, strip, isolated, or ribbon patterns generally emanating~~
302 ~~from existing urban developments.~~

303 ~~(IV) Fails to adequately protect and conserve natural~~
304 ~~resources, such as wetlands, floodplains, native vegetation,~~
305 ~~environmentally sensitive areas, natural groundwater aquifer~~
306 ~~recharge areas, lakes, rivers, shorelines, beaches, bays,~~
307 ~~estuarine systems, and other significant natural systems.~~

308 ~~(V) Fails to adequately protect adjacent agricultural areas~~
309 ~~and activities, including silviculture, active agricultural and~~
310 ~~silvicultural activities, passive agricultural activities, and~~
311 ~~dormant, unique, and prime farmlands and soils.~~

312 ~~(VI) Fails to maximize use of existing public facilities~~
313 ~~and services.~~

314 ~~(VII) Fails to maximize use of future public facilities and~~
315 ~~services.~~

316 ~~(VIII) Allows for land use patterns or timing which~~
317 ~~disproportionately increase the cost in time, money, and energy~~
318 ~~of providing and maintaining facilities and services, including~~
319 ~~roads, potable water, sanitary sewer, stormwater management, law~~

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320 ~~enforcement, education, health care, fire and emergency~~
321 ~~response, and general government.~~

322 ~~(IX) Fails to provide a clear separation between rural and~~
323 ~~urban uses.~~

324 ~~(X) Discourages or inhibits infill development or the~~
325 ~~redevelopment of existing neighborhoods and communities.~~

326 ~~(XI) Fails to encourage a functional mix of uses.~~

327 ~~(XII) Results in poor accessibility among linked or related~~
328 ~~land uses.~~

329 ~~(XIII) Results in the loss of significant amounts of~~
330 ~~functional open space.~~

331 ~~b. The future land use element or plan amendment shall be~~
332 ~~determined to discourage the proliferation of urban sprawl if it~~
333 ~~incorporates a development pattern or urban form that achieves~~
334 ~~four or more of the following:~~

335 ~~(I) Directs or locates economic growth and associated land~~
336 ~~development to geographic areas of the community in a manner~~
337 ~~that does not have an adverse impact on and protects natural~~
338 ~~resources and ecosystems.~~

339 ~~(II) Promotes the efficient and cost-effective provision or~~
340 ~~extension of public infrastructure and services.~~

341 ~~(III) Promotes walkable and connected communities and~~
342 ~~provides for compact development and a mix of uses at densities~~
343 ~~and intensities that will support a range of housing choices and~~
344 ~~a multimodal transportation system, including pedestrian,~~
345 ~~bicycle, and transit, if available.~~

346 ~~(IV) Promotes conservation of water and energy.~~

347 ~~(V) Preserves agricultural areas and activities, including~~
348 ~~silviculture, and dormant, unique, and prime farmlands and~~

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349 soils.

350 ~~(VI) Preserves open space and natural lands and provides~~
351 ~~for public open space and recreation needs.~~

352 ~~(VII) Creates a balance of land uses based upon demands of~~
353 ~~the residential population for the nonresidential needs of an~~
354 ~~area.~~

355 ~~(VIII) Provides uses, densities, and intensities of use and~~
356 ~~urban form that would remediate an existing or planned~~
357 ~~development pattern in the vicinity that constitutes sprawl or~~
358 ~~if it provides for an innovative development pattern such as~~
359 ~~transit-oriented developments or new towns as defined in s.~~
360 ~~163.3164.~~

361 10. The future land use element must ~~shall~~ include a future
362 land use map or map series.

363 a. The proposed distribution, extent, and location of the
364 following uses must ~~shall~~ be shown on the future land use map or
365 map series:

366 (I) Residential.

367 (II) Commercial.

368 (III) Industrial.

369 (IV) Agricultural.

370 (V) Recreational.

371 (VI) Conservation.

372 (VII) Educational.

373 (VIII) Public.

374 b. The following areas must ~~shall~~ also be shown on the
375 future land use map or map series, if applicable:

376 (I) Historic district boundaries and designated
377 historically significant properties.

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378 (II) Transportation concurrency management area boundaries
379 or transportation concurrency exception area boundaries.

380 (III) Multimodal transportation district boundaries.

381 (IV) Mixed-use categories.

382 c. The following natural resources or conditions must ~~shall~~
383 be shown on the future land use map or map series, if
384 applicable:

385 (I) Existing and planned public potable waterwells, cones
386 of influence, and wellhead protection areas.

387 (II) Beaches and shores, including estuarine systems.

388 (III) Rivers, bays, lakes, floodplains, and harbors.

389 (IV) Wetlands.

390 (V) Minerals and soils.

391 (VI) Coastal high hazard areas.

392 Section 3. Section 163.3191, Florida Statutes, is amended
393 to read:

394 163.3191 Evaluation and appraisal of comprehensive plan.—

395 (1) At least once every 7 years, each local government
396 shall evaluate its comprehensive plan to determine if plan
397 amendments are necessary to reflect a minimum planning period of
398 at least 10 years as provided in s. 163.3177(5) or to reflect
399 changes in state requirements in this part since the last update
400 of the comprehensive plan, and notify the state land planning
401 agency as to its determination. The notification must include a
402 separate affidavit, signed by the executive officer, attesting
403 that all elements of its comprehensive plan comply with this
404 subsection. The affidavit must also include a certification that
405 the adopted comprehensive plan contains the minimum planning
406 period of 10 years as provided in 163.3177(5) and must cite the

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407 source and date of the population projections used in
408 establishing of the 10-year planning period.

409 (2) If the local government determines amendments to its
410 comprehensive plan are necessary to reflect changes in state
411 requirements, the local government shall prepare and transmit
412 within 1 year such plan amendment or amendments for review
413 pursuant to s. 163.3184.

414 (3) Local governments shall ~~are encouraged to~~
415 comprehensively evaluate and, as necessary, update comprehensive
416 plans to reflect changes in local conditions. Plan amendments
417 transmitted pursuant to this section must ~~shall~~ be reviewed
418 pursuant to s. 163.3184(4). Updates to the required elements of
419 the comprehensive plan must be processed in the same plan
420 amendment cycle. Optional elements of the comprehensive plan may
421 not be updated until the required elements have been updated,
422 unless otherwise required by general law.

423 (4) If a local government fails to submit the ~~its~~ letter
424 and affidavit prescribed by subsection (1) or update its plan
425 pursuant to this subsection within 1 year from the date the
426 letter was transmitted to the state land planning agency ~~(2)~~, it
427 may not initiate or adopt any publicly initiated plan amendments
428 to amend its comprehensive plan until such time as it complies
429 with this section, unless otherwise required by general law.
430 This prohibition on plan amendments does not apply to privately
431 initiated plan amendments. The failure of the local government
432 to timely update its plan shall not be the basis for the denial
433 of privately initiated comprehensive plan amendments.

434 (5) If it is determined that a local government has failed
435 to update its comprehensive plan pursuant to this section, the

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436 state land planning agency shall provide the required population
437 projections that must be used by the local government to update
438 the comprehensive plan. The local government shall initiate an
439 update to its comprehensive plan within 3 months following the
440 receipt of the population projections and must complete the
441 update within 12 months. During the update process, the local
442 government may provide alternative population projections based
443 on professionally accepted methodologies, but only if those
444 population projections exceed the population projections
445 provided by the state land planning agency and only if the
446 update is completed within the timeframe set forth in this
447 subsection.

448 ~~(6)~~~~(5)~~ The state land planning agency may not adopt rules
449 to implement this section, other than procedural rules or a
450 schedule indicating when local governments must comply with the
451 requirements of this section.

452 Section 4. Present paragraphs (b) through (j) of subsection
453 (2) of section 163.3202, Florida Statutes, are redesignated as
454 paragraphs (d) through (l), respectively, new paragraphs (b) and
455 (c) are added to that subsection, and present paragraph (g) of
456 subsection (2) and paragraphs (a) and (b) of subsection (5) of
457 that section are amended, to read:

458 163.3202 Land development regulations.—

459 (2) Local land development regulations shall contain
460 specific and detailed provisions necessary or desirable to
461 implement the adopted comprehensive plan and shall at a minimum:

462 (b) Establish minimum lot sizes within single-family, two-
463 family, and fee simple, single-family townhouse zoning districts
464 to accommodate the maximum density authorized in the

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465 comprehensive plan, net of the land area required to be set
466 aside for subdivision roads, sidewalks, stormwater ponds, open
467 space, landscape buffers and any other mandatory land
468 development regulations that require land to be set aside that
469 could otherwise be used for the development of single-family
470 homes, two-family homes, and fee-simple, single-family
471 townhouses.

472 (c) Establish infill development standards for single-
473 family homes, two-family homes, and fee-simple townhouse
474 dwelling units to allow for the administrative approval of
475 development of infill single-family homes, two-family homes, and
476 fee-simple, single-family townhouses.

477 (i) ~~(g)~~ Provide that public facilities and services meet or
478 exceed the standards established in the capital improvements
479 element required by s. 163.3177 and are available when needed
480 for the development, or that development orders and permits are
481 conditioned on the availability of these public facilities and
482 services necessary to serve the proposed development. A local
483 government may not issue a development order or permit that
484 results in a reduction in the level of services for the affected
485 public facilities below the adopted level of services provided
486 in the local government's comprehensive plan. Levels of service
487 established in a comprehensive plan solely for planning purposes
488 may not be the basis for the denial of a development order or
489 permit.

490 (5) (a) Land development regulations relating to building
491 design elements may not be applied to a single-family or two-
492 family dwelling unless:

493 1. The dwelling is listed in the National Register of

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494 Historic Places, as defined in s. 267.021(5); is located in a
495 National Register Historic District; or is designated as a
496 historic property or located in a historic district, under the
497 terms of a local preservation ordinance;

498 2. The regulations are adopted in order to implement the
499 National Flood Insurance Program;

500 3. The regulations are adopted pursuant to and in
501 compliance with chapter 553;

502 4. The dwelling is located in a community redevelopment
503 area, as defined in s. 163.340(10);

504 5. The regulations are required to ensure protection of
505 coastal wildlife in compliance with s. 161.052, s. 161.053, s.
506 161.0531, s. 161.085, s. 161.163, or chapter 373;

507 ~~6. The dwelling is located in a planned unit development or~~
508 ~~master planned community created pursuant to a local ordinance,~~
509 ~~resolution, or other final action approved by the local~~
510 ~~governing body; or~~

511 6.7. The dwelling is located within the jurisdiction of a
512 local government that has a design review board or an
513 architectural review board created before January 1, 2020.

514 (b) For purposes of this subsection, the term~~+~~

515 ~~4.~~ "building design elements" means the external building
516 color; the type or style of exterior cladding material; the
517 style or material of roof structures or porches; the exterior
518 nonstructural architectural ornamentation; the location or
519 architectural styling of windows or doors; the location or
520 orientation of the garage; the number and type of rooms; and the
521 interior layout of rooms. The term does not include the height,
522 bulk, orientation, or location of a dwelling on a zoning lot; or

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523 the use of buffering or screening to minimize potential adverse
524 physical or visual impacts or to protect the privacy of
525 neighbors.

526 ~~2. "Planned unit development" or "master planned community"~~
527 ~~means an area of land that is planned and developed as a single~~
528 ~~entity or in approved stages with uses and structures~~
529 ~~substantially related to the character of the entire~~
530 ~~development, or a self-contained development in which the~~
531 ~~subdivision and zoning controls are applied to the project as a~~
532 ~~whole rather than to individual lots.~~

533 Section 5. Paragraph (g) of subsection (5) of section
534 163.3246, Florida Statutes, is amended to read:

535 163.3246 Local government comprehensive planning
536 certification program.—

537 (5) If the local government meets the eligibility criteria
538 of subsection (2), the state land planning agency shall certify
539 all or part of a local government by written agreement, which
540 shall be considered final agency action subject to challenge
541 under s. 120.569. The agreement must include the following
542 components:

543 (g) Criteria to evaluate the effectiveness of the
544 certification process in achieving the community-development
545 goals for the certification area, including:

546 1. Measuring the compactness of growth, expressed as the
547 ratio between population growth and land consumed;

548 2. Increasing residential density and intensity ~~intensities~~
549 of use;

550 3. Measuring and reducing vehicle miles traveled and
551 increasing the interconnectedness of the street system,

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552 pedestrian access, and mass transit;

553 4. Measuring the balance between the location of jobs and
554 housing;

555 5. Improving the housing mix within the certification area,
556 including the provision of mixed-use neighborhoods, affordable
557 housing, and the creation of an affordable housing program if
558 such a program is not already in place;

559 6. Promoting mixed-use developments as an alternative to
560 single-purpose centers;

561 7. Promoting clustered development having dedicated open
562 space;

563 8. Linking commercial, educational, and recreational uses
564 directly to residential growth;

565 9. Reducing per capita water and energy consumption;

566 10. Prioritizing environmental features to be protected and
567 adopting measures or programs to protect identified features;

568 11. Reducing hurricane shelter deficits and evacuation
569 times and implementing the adopted mitigation strategies; and

570 12. Improving coordination between the local government and
571 school board.

572 Section 6. Paragraph (a) of subsection (2) of section
573 189.08, Florida Statutes, is amended to read:

574 189.08 Special district public facilities report.—

575 (2) Each independent special district shall submit to each
576 local general-purpose government in which it is located a public
577 facilities report and an annual notice of any changes. The
578 public facilities report shall specify the following
579 information:

580 (a) A description of existing public facilities owned or

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581 operated by the special district, and each public facility that
582 is operated by another entity, except a local general-purpose
583 government, through a lease or other agreement with the special
584 district. This description shall include the current capacity of
585 the facility, the current demands placed upon it, and its
586 location. This information shall be required in the initial
587 report and updated every 7 years at least 12 months before the
588 submission date of the evaluation and appraisal notification
589 letter of the appropriate local government required by s.
590 163.3191. The department shall post a schedule on its website,
591 based on the evaluation and appraisal notification schedule
592 prepared pursuant to s. 163.3191(6) ~~s. 163.3191(5)~~, for use by a
593 special district to determine when its public facilities report
594 and updates to that report are due to the local general-purpose
595 governments in which the special district is located.

596 Section 7. Subsection (29) of section 479.01, Florida
597 Statutes, is amended to read:

598 479.01 Definitions.—As used in this chapter, the term:

599 (29) "Zoning category" means the designation under the land
600 development regulations or other similar ordinance enacted to
601 regulate the use of land as provided in s. 163.3202(2) ~~s.~~
602 ~~163.3202(2)(b)~~, which designation sets forth the allowable uses,
603 restrictions, and limitations on use applicable to properties
604 within the category.

605 Section 8. This act shall take effect July 1, 2023.